



## Senate

General Assembly

February Session, 2016

**File No. 13**

Senate Bill No. 24

*Senate, March 9, 2016*

The Committee on Higher Education and Employment Advancement reported through SEN. BARTOLOMEO of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING PROGRAM APPROVAL FOR INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10a-34 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2016*):

3 (a) For the purposes of this section, (1) "program of higher learning"  
4 means any course of instruction for which it is stated or implied that  
5 college or university-level credit may be given or may be received by  
6 transfer; (2) "degree" means any letters or words, diploma, certificate  
7 or other symbol or document which signifies satisfactory completion  
8 of the requirements of a program of higher learning; (3) "institution of  
9 higher education" means any person, school, board, association,  
10 limited liability company or corporation which is licensed or  
11 accredited to offer one or more programs of higher learning leading to  
12 one or more degrees; (4) "license" means the authorization by the  
13 Office of Higher Education to operate a program of higher learning or

14 institution of higher education for a specified initial period; (5)  
15 "accreditation" means the authorization by said office to continue  
16 operating a program of higher learning or institution of higher  
17 education for subsequent periods, and in such periods to confer  
18 specified degrees; (6) "program modification" means (A) a change in a  
19 program of higher learning that does not clearly qualify as a new  
20 program of higher learning or a nonsubstantive change, including, but  
21 not limited to, a new program of higher learning consisting primarily  
22 of course work for a previously approved program of higher learning,  
23 (B) an approved program of higher learning to be offered at an off-  
24 campus location, (C) a change in the title of a degree, or (D) a change in  
25 the title of a program of higher learning; and (7) "nonsubstantive  
26 change" means (A) a new undergraduate certificate program, within  
27 an existing program of higher learning, of not more than thirty  
28 semester credit hours that falls under an approved program of higher  
29 learning, (B) a new baccalaureate minor of not more than eighteen  
30 semester credit hours, (C) a new undergraduate option or certificate  
31 program of not more than fifteen semester credit hours, or (D) a new  
32 graduate option or certificate program of not more than twelve  
33 semester credit hours.

34 (b) The Office of Higher Education shall establish regulations, in  
35 accordance with chapter 54, concerning the requirements for licensure  
36 and accreditation, such regulations to concern administration, finance,  
37 faculty, curricula, library, student admission and graduation, plant and  
38 equipment, records, catalogs, program announcements and any other  
39 criteria pertinent thereto, as well as the periods for which licensure and  
40 accreditation may be granted, and the costs and procedures of  
41 evaluations as provided in subsections (c), (d) and (i) of this section.  
42 Said office shall establish academic review commissions to hear each  
43 appeal of a denial by said office of an application by an institution of  
44 higher education for licensure or accreditation of a program of higher  
45 learning or institution of higher education. For each individual appeal,  
46 the executive director of said office, or the executive director's  
47 designee, shall select a commission that is comprised of four higher  
48 education representatives and five business and industry

49 representatives chosen from a panel of thirty-five members, who shall  
50 be appointed as follows: (1) The Governor shall appoint five members;  
51 (2) the speaker of the House of Representatives shall appoint five  
52 members; (3) the president pro tempore of the Senate shall appoint five  
53 members; (4) the majority leader of the House of Representatives shall  
54 appoint five members; (5) the majority leader of the Senate shall  
55 appoint five members; (6) the minority leader of the House of  
56 Representatives shall appoint five members; and (7) the minority  
57 leader of the Senate shall appoint five members. The executive director  
58 of said office, or the executive director's designee, shall ensure that  
59 each commission contains at least one member appointed by each of  
60 the appointing authorities. Each appointing authority shall select both  
61 higher education representatives and business and industry  
62 representatives, but not more than three from either category of  
63 representatives.

64 (c) No person, school, board, association or corporation shall confer  
65 any degree unless authorized by act of the General Assembly. No  
66 application for authority to confer any such degree shall be approved  
67 by the General Assembly or any committee thereof, nor shall any such  
68 authority be included in any charter of incorporation until such  
69 application has been evaluated and approved by the Office of Higher  
70 Education in accordance with regulations established by the Office of  
71 Higher Education.

72 (d) The Office of Higher Education shall review all requests and  
73 applications for program modifications, nonsubstantive changes,  
74 licensure and accreditation. The office shall review each application in  
75 consideration of the academic standards set forth in the regulations for  
76 licensure and accreditation adopted by said office in accordance with  
77 the provisions of subsection (b) of this section. Notwithstanding the  
78 provisions of section 10a-34e, any application that is determined by the  
79 office to be for (1) a program modification that meets all such academic  
80 standards, (2) a nonsubstantive change, (3) licensure, or (4)  
81 accreditation shall be deemed approved, and the office shall notify the  
82 institution of such approval, not later than forty-five days from the

83 date the office receives such application without requiring any further  
84 action from the applicant.

85 (e) If the executive director of the Office of Higher Education, or the  
86 executive director's designee, determines that further review of an  
87 application is needed due at least in part to the applicant offering  
88 instruction in a new program of higher learning or new degree level,  
89 then the executive director or the executive director's designee shall  
90 conduct a focused or on-site review. Such applicant shall have an  
91 opportunity to state any objection regarding any individual selected to  
92 review an application on behalf of the executive director. For purposes  
93 of this subsection, "focused review" means a review by an out-of-state  
94 curriculum expert; and "on-site review" means a full team evaluation  
95 by the office at the institution of higher education.

96 (f) The executive director of the Office of Higher Education, or the  
97 executive director's designee, may require a focused or on-site review  
98 of any program application in a health-related field where a license in  
99 Connecticut is required to practice in such field.

100 (g) Any application for licensure of a new institution in this state  
101 shall be subject to an on-site review upon a determination by the Office  
102 of Higher Education that the application is complete and shall be  
103 reviewed at the institutional level for each program as described in  
104 subsection (b) of this section. Such process shall be completed not later  
105 than nine months from the date said office receives the application.

106 (h) If the Office of Higher Education denies an application for  
107 licensure or accreditation of a program or institution of higher  
108 education, the applicant may appeal the denial not later than ten days  
109 from the date of denial. The academic review commission shall review  
110 the appeal and make a decision on such appeal not later than thirty  
111 days from the date the applicant submits the appeal to said office.

112 (i) No person, school, board, association or corporation shall operate  
113 a program of higher learning or an institution of higher education  
114 unless it has been licensed or accredited by the Office of Higher

115 Education, nor shall it confer any degree unless it has been accredited  
116 in accordance with this section. The office shall accept regional  
117 accreditation, in satisfaction of the requirements of this subsection  
118 unless the office finds cause not to rely upon such accreditation. If any  
119 institution of higher education provides evidence of programmatic  
120 accreditation, the office may consider such accreditation in satisfaction  
121 of the requirements of this subsection and deem the program at issue  
122 in the application for accreditation to be accredited in accordance with  
123 this section. National accreditation for Connecticut institutions of  
124 higher education accredited prior to July 1, 2013, shall be accepted as  
125 being in satisfaction of the requirements of this subsection unless the  
126 office finds cause not to rely on such national accreditation.

127 (j) No person, school, board, association or corporation shall use in  
128 any way the term "junior college" or "college" or "university" or use  
129 any other name, title, literature, catalogs, pamphlets or descriptive  
130 matter tending to designate that it is an institution of higher education,  
131 or that it may grant academic or professional degrees, unless the  
132 institution possesses a license from, or has been accredited by, the  
133 office, nor shall it offer any program of higher learning without  
134 approval of the Office of Higher Education.

135 (k) Accreditation of any program or institution or authority to  
136 award degrees granted in accordance with law prior to July 1, 1965,  
137 shall continue in effect.

138 (l) Notwithstanding the provisions of subsections (b) to (j),  
139 inclusive, of this section and subject to the authority of the State Board  
140 of Education to regulate teacher education programs, new and revised  
141 academic programs proposed by an independent institution of higher  
142 education, as defined in section 10a-173, shall not be subject to  
143 approval by the Office of Higher Education, provided (1) the  
144 institution maintains eligibility to participate in financial aid programs  
145 governed by Title IV, Part B of the Higher Education Act of 1965, as  
146 amended from time to time, and (2) the institution has been located in  
147 the state and accredited as a degree-granting institution for ten years

148 or more by a regional accrediting association recognized by the  
149 Secretary of the United States Department of Education and maintains  
150 such accreditation status. All institutions that are exempt from  
151 program approval by the Office of Higher Education under this  
152 subsection shall annually file with said office a list and brief  
153 description of any new programs introduced by the institution in the  
154 preceding academic year and any existing programs discontinued by  
155 the institution in the preceding academic year.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2016	10a-34
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**HED**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### ***OFA Fiscal Note***

#### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 17 \$</b>	<b>FY 18 \$</b>
Higher Ed., Off.	GF - Potential Savings	up to \$48,000	up to \$48,000

Note: GF=General Fund

#### ***Municipal Impact:*** None

#### ***Explanation***

The bill could result in a potential savings of up to \$48,000 associated with exempting certain nonprofit independent higher education institutions from the Office of Higher Education's (OHE) approval process for new or revised academic programs. Currently, the OHE has multiple cross-trained employees who dedicate a portion of their work duties to program approval. Eliminating certain nonprofit independent higher education institutions would reduce the potential state workload, but would not reduce the federal responsibilities associated with program approval. Depending on the number of exemptions, and the decrease in approvals, OHE could incur savings of up to \$48,000, which is equivalent to one part-time consultant.

#### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****SB 24*****AN ACT CONCERNING PROGRAM APPROVAL FOR  
INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION.*****SUMMARY:**

This bill exempts certain nonprofit independent higher education institutions from the Office of Higher Education's (OHE) approval process for new or revised academic programs. It exempts such institutions that (1) are eligible to participate in the Federal Family Education Loan program and (2) have been located in Connecticut and accredited as degree-granting institutions for at least 10 years by a regional accrediting association recognized by the U.S. education secretary. (In practice, certain institutions are already exempt from this process (see BACKGROUND).) The bill specifies that teacher education programs remain subject to the State Board of Education's regulatory authority.

Institutions that are exempt under the bill must annually file with OHE a list and brief description of any new programs introduced and existing programs discontinued in the preceding academic year. The bill does not establish a deadline for filing this list.

By law, non-exempt, independent higher education institutions seeking to offer a new academic program must receive approval from OHE. A public higher education institution must have its new academic programs approved by the institution's governing board (i.e., the UConn Board of Trustees or the Board of Regents for Higher Education).

EFFECTIVE DATE: July 1, 2016

**BACKGROUND**



***Institutions Currently Exempt***

In practice, Connecticut College, Trinity College, Wesleyan University, and Yale University are already exempt from OHE's program approval authority. These institutions, classified by OHE as national independents, are longstanding institutions that predate the state's regulation of postsecondary academic programs. Additionally, the institutions' charters give the schools the power to decide which degrees to confer; there are no provisions that require state approval for additional degrees.

**COMMITTEE ACTION**

Higher Education and Employment Advancement Committee

Joint Favorable

Yea 10      Nay 4      (02/25/2016)